

AMENDED IN SENATE MAY 26, 2005

AMENDED IN SENATE MAY 9, 2005

AMENDED IN SENATE APRIL 14, 2005

## SENATE BILL

**No. 914**

**Introduced by Senator Kehoe**  
(Coauthor: Assembly Member Wyland)

February 22, 2005

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An act to add Section 597z to the Penal Code, relating to animals.

### LEGISLATIVE COUNSEL'S DIGEST

SB 914, as amended, Kehoe. Animal cruelty.

Existing law makes it a crime to engage in animal cruelty, as specified.

This bill would provide that, except as otherwise authorized under any other provision of law, it shall be an infraction or a misdemeanor, punishable as specified, for any person, other than an organization that provides services as a public animal sheltering agency or specified pet dealers or rescue groups, to sell one or more dogs under 8 weeks of age, ~~unless that sale is, prior to any physical transfer of the dog or dogs from the seller to the purchaser, the dog or dogs are approved by~~ *for sale, as evidenced by written documentation from a licensed veterinarian.* The bill would provide that *the sale of a dog or dogs shall not be considered complete, and thereby subject to the requirements and penalties of the bill, unless and until the seller physically transfers the dog or dogs to the purchaser; and that, with respect to the sale of 2 or more dogs in violation of this provision, each dog unlawfully sold shall represent a separate offense under the provision.* By creating a new crime, this bill would impose a state-mandated local program upon local governments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 597z is added to the Penal Code, to  
2 read:

3 597z. (a) (1) Except as otherwise authorized under any  
4 other provision of law, it shall be a crime, punishable as specified  
5 in subdivision (b), for any person to sell one or more dogs under  
6 eight weeks of age, ~~unless that sale is approved by a veterinarian~~  
7 ~~licensed to practice in California as evidenced by written~~  
8 ~~documentation.~~, *prior to any physical transfer of the dog or dogs*  
9 *from the seller to the purchaser, the dog or dogs are approved*  
10 *for sale, as evidenced by written documentation from a*  
11 *veterinarian licensed to practice in California.*

12 (2) *For the purposes of this section, the sale of a dog or dogs*  
13 *shall not be considered complete, and thereby subject to the*  
14 *requirements and penalties of this section, unless and until the*  
15 *seller physically transfers the dog or dogs to the purchaser.*

16 (b) Any person who violates this section shall be punished as  
17 follows:

18 (1) A first offense shall be an infraction punishable by a fine  
19 of one hundred twenty-five dollars (\$125).

20 (2) A second offense shall be an infraction punishable by a  
21 fine of two hundred fifty dollars (\$250).

22 (3) A third or subsequent offense shall be a misdemeanor.

23 (c) With respect to the sale of two or more dogs in violation of  
24 this section, each dog unlawfully sold shall represent a separate  
25 offense under this section.

26 (d) This section shall not apply to any of the following:

27 (1) An organization, as defined in Section 501(c)(3) of the  
28 Internal Revenue Code, or any other organization that provides,

1 or contracts to provide, services as a public animal sheltering  
2 agency.

3 (2) A pet dealer as defined under Article 2 (commencing with  
4 Section 122125) of Chapter 5 of Part 6 of Division 105 of the  
5 Health and Safety Code.

6 (3) A public animal control agency or shelter, society for the  
7 prevention of cruelty to animals shelter, humane society shelter,  
8 or rescue group regulated under Division 14 (commencing with  
9 Section 30501) of the Food and Agricultural Code.

10 SEC. 2. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district will be incurred because this act creates a new crime or  
14 infraction, eliminates a crime or infraction, or changes the  
15 penalty for a crime or infraction, within the meaning of Section  
16 17556 of the Government Code, or changes the definition of a  
17 crime within the meaning of Section 6 of Article XIII B of the  
18 California Constitution.